

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

February 14, 2008

Bellevue, Washington

I CALL TO ORDER

Chair Claudia Hirschey convened the meeting at 7:00 P.M.

II ROLL CALL

The following members were present:

Evangeline Anderson	Charles Booth
Robert Cook	A.J. Culver
Robert George	Lynn Guttman
John Holman	Roberta Lewandowski
Roger Loschen	Michael Marchand

III MINUTES

A. REGULAR MEETING:

Chair Hirschey presented the minutes of the Regular Meeting of January 10, 2008 for review and action by the Board members.

Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes, with amendment, for the Regular Meeting of January 10, 2008. The Board members voted nine in favor of approval of this record. Roberta Lewandowski and Michael Marchand abstained as they were absent from the meeting.

IV. ORIENTATION PROGRAM

Chair Hirschey stated that, based upon the fact that the Board has scheduled a series of public hearings, she has requested that Robert Kaufman, legal counsel, provide a brief orientation to public hearing procedures.

Mr. Kaufman stated that public hearings begin with a description of hearing goals and processes to be provided by Chair Hirschey. There is a brief description of the Notice of Intention before the Board provided by Lenora Blauman. Mr. Kaufman will then describe the protocols required for a public hearing. All public hearings are conducted in keeping with the Open Public Meetings Act.

Prior to the beginning of the public hearing, the Chair will request that Board members report any conflict of interest, such as a personal interest or professional involvement which might affect the ability (or the perception of ability) to fairly hear the proposal, at this time. The Chair will also ask Board members to disclose any *ex parte* communication with any interested party while this matter has been before the Board.

The Chair will then invite anyone present who has reason to question the ability of any board member to hear and judge the proposal fairly, under the doctrine of appearance of fairness, to state those concerns.

Mr. Kaufman reported that – while there is no statutory requirement for a member with a potential conflict or who has engaged in *ex parte* communication to recuse him/herself from the hearing, such members are advised to remove themselves from the hearing process in

order to preserve the validity of the public hearing. Board members should be mindful that perceptions – as well as reality – are the basis of public confidence in the actions of the Board.

While it is expected that each Board member will have a basic understanding of the statutory mandates applicable to an action, of key importance is the attention by the Board to the specific elements of the matter at hand. To that end, at each public hearing there is opportunity for presentations by the proponent, opponents, affected jurisdictions, and citizens. Presentations may include written and oral statements and documentation.

Respect by Board members of procedures and protocols provides for a hearing that is – in fact and by perception – a most equitable process. To that end, Board members are encouraged to respect the role of the Chair in the hearing process. In addition, careful attention by Board members to presentations assists citizens in ensuring that the Board is giving due consideration to testimony in the matter at hand.

Lenora Blauman reported that, following the completion of presentations, the Board will deliberate for a preliminary decision. Staff will provide a Resolution and Hearing Report based upon the direction by the Boundary Review Board. The Board will then make a final decision based upon that Resolution and Hearing Decision.

Mr. Kaufman stated that Board members wishing more information concerning public hearing protocols and procedures are welcome to contact him directly. Ms. Blauman stated that more detail concerning hearing processes is provided in the Boundary Review Board Organization and Rules and Procedures. Board members are also encouraged to review that document.

V. ADMINISTRATION

A. CHAIR'S REPORT

Orientation Programs: Chair Hirschey reported that Claudia Balducci will be visiting the Regular Board Meeting on March 13, 2008 to make a presentation on transportation planning and management issues in the State of Washington and in our region.

Future meetings will be arranged to provide both standard orientation programs and special programs for 2008.

File No. 2258: Fairwood Municipal Initiative: City of Fairwood Incorporation Petition

Michael Marchand and Mrs. Blauman reported that the Boundary Review Board Fairwood Incorporation Review Sub-Committee (FIRSC) has had three meetings to plan for the design and implementation of the evaluation of the Fairwood Municipal Initiative proposal for the formation of a new City of Fairwood. FIRSC members are: Michael Marchand (Committee Chair), Robert Cook, A.J. Culver, Lynn Guttman, and Roberta Lewandowski.

Marchand and Blauman confirmed that, in order to accomplish the statutory mandate for assessment of incorporations, the Boundary Review Board must ensure that there is reasonable opportunity provided for Board members to: (1) obtain required information relating to compliance with state laws (e.g., Incorporation Proceedings – RCW 35.02; State Growth Management Act – RCW 36.70A; RCW 36.93 Boundary Review Board Enabling Act, et seq.); (2) obtain required information relating to government organization plans, service resources/requirements; fiscal data); (3) provide necessary information to government agencies, to citizens, and to other stakeholders affected by the proposed action; (4) conduct public hearings to permit comment from citizens and other government agencies; and (5) make a decision/recommendation concerning the viability of the proposed action, based upon the record for the Notice of Intention.

To that end, FIRSC has undertaken or scheduled consideration of the following matters:

- Overview of Responsibilities;
- Confirmation of Committee Composition (e.g., determination of plan for inclusion – as members or occasional participants – officials from other government units and community members as appropriate);
- Establishment of a schedule for meetings, products, and other activities;
- Establishment of Scope of Incorporation Study Proposal (Study philosophy, process, content, and format);
- Establishment of budget and funding for conduct of Incorporation Study;
- Establishment of qualifications for independent consultants to conduct the Incorporation Study;
- Selection of independent consultants to prepare the Incorporation Study;
- Determination of plan for management of preliminary assessment of the Incorporation Study documents to ensure that the reports meet the requirements established for study scope, content, and format.

As the preliminary activity in the review process for the proposed incorporation of a new City of Fairwood, an Incorporation Study is planned to be prepared by an independent consultant under the aegis of the Washington State Boundary Review Board for King County with funding approved by the Metropolitan King County Council.

When this Incorporation Study has been completed, the full Boundary Review Board will commence formal review of the Notice of Intention for Incorporation. The Boundary Review Board will then determine whether the Incorporation Study provides both sufficient basic governance information and fiscal data to permit a decision pursuant to the proposed incorporation. The Board reserves the authority to call for supplemental feasibility studies if additional information is required to augment the Incorporation Study in order for the Board to determine the viability of the proposed City of Fairwood.

RCW 36.93 and RCW 35.02 provide that, upon receipt of sufficient documentation, the Boundary Review Board is granted a reasonable period of time as necessary for this agency and other government agencies to complete the essential legal, technical, and fiscal review processes. The timetable assumes the availability of a comprehensive Incorporation Study.

Mrs. Blauman reported that statutory mandates establish requirements for the Boundary Review Board to conduct a public hearing process including publication of notices, conduct of the hearing, preliminary decision-making and the issuance of a final decision. More specifically:

- Under statutory mandate, a minimum 30 day public notice is required prior to the conducting of a public hearing. In accord with legal standards, the public hearing is scheduled in a manner that ensures sufficient opportunity for presentation of the incorporation plan and presentation of incorporation studies.
- Under statutory mandate, sufficient time must also be allocated for comment by community members. Similarly, government agencies and service providers must be provided an opportunity to speak about the proposed incorporation.
- Under statutory mandate, the public hearing schedule must also provide sufficient time for the Boundary Review Board to deliberate and come to a preliminary decision/recommendation with respect to the incorporation. In accord with legal standards, the Board must first reach a preliminary decision/recommendation on the proposed incorporation. The Board would then direct staff to prepare the required

Resolution and Hearing Report and a Record of the Proceedings. This Report and Record must then be presented to the Boundary Review Board for formal action. The Board must review the documents and then make a final decision/recommendation with respect to the proposed incorporation.

Following the issuance of the final decision/recommendation by the Boundary Review Board, the Fairwood Municipal Initiative may proceed to schedule an election to permit citizens to determine whether to incorporate a new City of Fairwood.

Report from the State Legislature: Michael Marchand and Lenora Blauman reported on the State Association communications with Legislature 2008.

House Local Government Committee: The Committee conducted hearings on bills relating to annexation for January 15, 2008. Michael Marchand and Mark Beales, representing the Association, spoke in support of SHB 1622. King County sent correspondence favoring the legislation. The Committee voted to pass SHB 1622 to House Rules.

Legislature 2008 – Association Visit: The Association was slated to visit Olympia in January to meet with legislators but the visit was aborted due to inclement weather. In place of the visit, Association members met with legislators via telephone conference. In addition, Mike Shaw, Association Lobbyist, met in person with key legislators. Michael Marchand, Association President, sent a letter in support of SHB 1622 to Representative Moeller, a sponsor and key supporter of this bill. Rep. Moeller responded to the letter stating his intent to continue to work to achieve passage of SHB 1622.

Mr. Shaw and Association members have reported that several legislators continue to be interested in – or, at a minimum, willing to consider – the passage of SHB 1622. As of February 14th, the House Rules provided a final review preparatory to moving the legislation forward to consideration by the House. The Bill remains in House Rules at present. Efforts continue to move the legislation to the House Floor and to the Senate for consideration.

B. Committee Reports

Chair Hirschey deferred Committee reports to the Regular Meeting of March 13, 2008.

C. Executive Secretary's Report

General Business: Lenora Blauman reported that the Board staff is currently working on several projects including: (1) an orientation program for the Boundary Review Board; (2) coordinating programs with King County Executive/Council Work Program; (3) coordinating activities with the State Association at Legislature 2008; (4) pre-development review for future Notices of Intention; (5) Year 2007 Budget closure; and (6) Year 2008 Budget management.

File No 2270: City of Renton –New Life – Aqua Barn Annexation: Mrs. Blauman reported that public hearing dates for File No. 2270 have been established for February 26, 2008 and (if necessary) February 28, 2008 at 7:00 p.m.. Hearings will take place at Nelsen Middle School in Renton. Information packets will be distributed in advance of the hearing.

Mrs. Blauman reported that a tour of the site can be arranged for members of the Board. That tour would need to begin at 4:30 p.m. Members who wish to join a tour should notify Mr. Holmes by Friday, February 22.

North Highline: The Cities of Seattle, Tukwila, Burien, and SeaTac are continuing to consider annexation of the North Highline Area. There is no due date for decisions in this matter.

City of Kirkland: City of Kirkland representatives report that the City Council is moving toward submitting a Notice of Intention for annexation of sub-areas within the Kirkland Potential Annexation Area. Initial City plans to submit a Notice of Intention in April and conduct an election in November of 2008 have been postponed. Presently, City officials intend to submit a Notice of Intention later in 2008 for an election in 2009.

Commendation of Reginald Holmes: Mrs. Blauman stated that she would like to recognize the contribution by Mr. Holmes to resolving a number of administrative matters recently before the Board – ranging from the need to assist with the providing of information to representatives of several smaller jurisdictions beginning annexation to addressing a series of administrative/housekeeping issues relating to new County systems and logistics of the recent relocation of the Board to our new offices in the Yesler Building.

D. CORRESPONDENCE

Correspondence was presented by Chair Hirschey. Board members raised no questions or issues related to these materials.

VI NEW BUSINESS

A. NEW FILES

File No. 2271: Covington Water District – Ridge at Lake Sawyer (Division No. 3) Annexation

The Covington Water District proposes to annex approximately 161 acres of land (nine parcels), known as The Ridge at Lake Sawyer (Division No. 3.) The annexation area is located entirely within Unincorporated King County. The Covington Water District initiated this annexation proposal, based upon a citizen petition, pursuant to RCW 57.24 (Annexation of Unincorporated Territory) which permits annexation of territory by the District Board of Commissioners. A Resolution for Annexation was approved by the District in October 2007.

The Covington Water District includes The Ridge at Lake Sawyer - Division No. 3 Area within its Comprehensive Plan. The Ridge at Lake Sawyer - Division No. 3 Area Annexation is being proposed by the Covington Water District at this time in order to facilitate the provision of coordinated water services (including fire flow service) to the subject properties – which are developable with low-density residential uses permitted in the Rural Area. At present, public water services are not provided to The Ridge at Lake Sawyer - Division No. 3 Area. The District reports sufficient resources to provide services upon annexation to the development planned for The Ridge at Lake Sawyer – Division No. 3.

Boundary Review Board members accepted the report as presented.

File No. 2272: Ronald Wastewater District – Ronald Area Annexation

The Ronald Wastewater District proposes to annex approximately 2660 acres of land (7390 parcels) within the corporate limits of the City of Shoreline. The Ronald Annexation area is entirely within the City Limits of Shoreline. The northern most boundary of the site is variously formed by North 190th Street and North 198th Street. The western-most boundary is located approximately at Aurora Avenue N. The southern boundary is formed by North 145th Street (Seattle City limits). The eastern boundary of the site is contiguous with the Lake Forest Park City Limits.

The Ronald Wastewater District includes the Annexation Area in its Comprehensive Plan. Ronald Wastewater District representatives report that the District is currently serving and has the necessary continuing capacity to serve the Ronald Area. The Ronald Area Annexation is being proposed by the Ronald Wastewater District at this time in order to facilitate the provision of coordinated sewer services to currently developed properties and to new development. Annexation will also provide residents an opportunity to participate in elections for the Ronald Wastewater District.

Boundary Review Board members accepted the report as presented.

File No. 2273: City of Issaquah - Highlands Drive Area: The City of Issaquah proposes annexation of two parcels – Parcel A and Parcel B -- (together with adjacent right-of-way) totaling approximately 9.3 acres. The site includes one dwelling unit and vacant land that is zoned for residential use.

Annexation is being proposed by the City of Issaquah at this time in order to facilitate the provision of coordinated development and management of public infrastructure/services. Annexation will also offer residents an opportunity to participate in local governance activities.

Based upon the location of the properties (Parcel A and Parcel B) within the Potential Annexation Area of the City of Issaquah, the small size of the proposed parcels, and the limited value of the affected properties, Issaquah officials are seeking a waiver from review by the Boundary Review Board, as provided in RCW 36.93.110. The Boundary Review Board may agree to consider this request for a waiver, pursuant to RCW 36.93.110.

Boundary Review Board members accepted the report as presented.

Action: Robert Cook moved and AJ Culver seconded a motion to waive further review of this Notice of Intention as permitted by RCW 36.93.110. The Board voted unanimously in favor of the motion. The Board agreed to waive

B. PENDING FILES

Bellevue	Bothell (6 files)	Covington Water District
Federal Way (2 files)	Issaquah (2 files)	Kent
Kirkland	North Bend	Redmond
Renton (5 files)	Sammamish	SW Suburban Sewer District

VI. ADJOURNMENT

Action: Lynn Guttman moved and Michael Marchand seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:45 P.M.